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Coastal Zone
Information
Center

OTTER CREEK MARSH

OCT 26 1976

... a critical area lost?

COASTAL ZONE
INFORMATION CENTER

Report by

League of Women Voters
of Harford County, Maryland

to the

Coastal Zone Management Program
Maryland Department of Natural Resources
Annapolis, Maryland
April 1976

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Otter Creek Marsh Study Committee
League of Women Voters
of Harford County, Maryland
2023 Emmorton Road
Bel Aire, Maryland 21214

I. INTRODUCTION

The purpose of the League of Women Voters is "to promote political responsibility through informed and active participation of citizens in government" (Article II, Section 1, By-Laws of the League of Women Voters). In an effort to become informed, local issues are chosen for study and after extensive study and discussion the League develops a consensus from which to take action. In Harford County, Maryland the local league has studied Planning and Zoning issues for many years, and in 1974 derived a consensus position. This position incorporates three major goals:

- (1) Conservation of our Natural Environment
- (2) A Quality Living Environment for All
- (3) A Sound, Balanced, and Diversified Economy.

With the above consensus available, the League found itself frequently in a position to speak to land use and development issues, particularly as these issues related to the environment.

Under the auspices of the League of Women Voters of Harford County, a study agreement was made through the Coastal Zone Management of the Department of Natural Resources, to a committee of seven persons, based on the proposal in Appendix A. The Purpose of the study was to identify the features of the Otter Creek Marsh in Harford County, and to then inventory these characteristics; both natural and man-made. (See Appendix B)

The physical evaluation of the marsh has been incorporated into a report prepared by the Department of Natural Resources. This report may be found in Appendix C.

The intent of this paper is to report on the action taken under the citizen study agreement. An evaluation of existing legislation, its strengths and weaknesses in protecting this particular piece of coastal zone, has been included. In conclusion, this study will offer some recommendations for the overall Coastal Zone Planning effort.

II. BACKGROUND

Harford County, Maryland, is a political subdivision in the Baltimore Metropolitan area. It participates in the Regional Planning Council, and functions under a district type of zoning ordinance.

The zoning ordinance which was approved in 1957 is the policing document for land use in Harford County today. This ordinance was developed into four categories: manufacturing, business, residential, and agricultural. The subdivision regulations, which were approved in 1959, consist of minimal requirements for a developer to begin construction of residential housing.

The Land Use Map, which was to serve as a guide for future development, was approved in 1957. Another Land Use Map was given Planning Commission approval in 1969. This map is now used as a guide.

Harford County has had a change in government, and is now functioning under Charter Home Rule. The Charter stipulates that a Department of Planning and Zoning will be established, with a Planning Director; it further stipulates that a Master Plan for the County will be prepared.

As of March 1975, although three plans have been proposed, with several drafts of each, no plan has been adopted, and over the past 19 years only minor changes have occurred in the zoning ordinance and subdivision regulations.

Under the Coastal Zone Management Act of 1972 every state bordering on coastal waters was encouraged to develop a program that includes identification, inventory, and a process for designating priorities of use for these coastal areas. The Coastal Zone Management Program in the State of Maryland had been developing staff under the Department of Natural Resources in Annapolis in response to the Federal directive.

The Coastal Zone Management Program at the State

level had determined that the use of citizen study groups would be one way in which citizens could actively participate in the program. Study agreements were being considered as a way to identify, inventory, and designate priority use of areas falling under the jurisdiction of the Coastal Zone Management Program.

In 1972, the Smithsonian Institution of Washington, D. C. completed a study of the coastal zone area around the Chesapeake Bay and other areas of natural significance. The study listed the Otter Creek Marsh as a critical site worthy of preservation, most basically because it is one of the few fresh water marshes in Maryland.

With a consensus position in zoning, the League had begun to actively challenge or support various zoning or environmentally related issues.

Paralleling the League position on development, Harford County government was preparing its comprehensive Master Plan. On observation, it was noted that the proposed land use map for the county had designated the Otter Creek Marsh as an area for high-density development.

The County's justification for this designation centered on having already granted zoning privileges to this property, and, since it had been granted, that zoning statement should be reflected on the proposed land use map.

The Coastal Zone Management Program of the Department of Natural Resources addressed the League of Women Voters at its annual meeting. This presentation, combined with the Smithsonian statement on the marsh, and the imminent threat to the marsh by development, greatly influenced the Planning and Zoning Committee of the League of Women Voters to submit its proposal to study the marsh.

III. PROGRESSION OF THE STUDY

June, July

In the first several months of the study data was collected detailing the plant and animal life inhabiting the marsh, the hydrologic value, the present state of the estuary, and the existing zoning and Master Planning efforts that were threatening the marsh. Our initial research revealed that sedimentation controls were not adequate from the urbanized areas upstream of the marsh, that the impending development carried out in its original strength would most likely be lethal to the marsh, and that mustering countervailing strength to save the marsh could be futile.

August

In August, 1975, the committee requested County Council review of a conditional use permit for a residential development (West Shore) to be built directly adjacent to the marsh. In this correspondence we voiced our concern over the lack of environmental control on this project, and charged that the required conditions for approval established by the Board of Appeals had not been met. The letters concerning this exchange are included in Appendix D. The Council responded by directing its hearing examiner to review the case.

October

Canoe trips were organized, in cooperation with a local Boy Scout Troop. On three successive days nine canoes, each holding three persons, toured the marsh. Local and state legislators and administrators were our guests, as well as the press and media personnel. This effort was effective in eliciting support for our efforts to preserve the area. Great Blue Heron and flocks of red-winged blackbirds entertained the canoeists. The participants in the trip were able to observe, first hand, sewer pipes already laid through the marsh and manhole stands ten feet above ground level. Throughout the trip there were abundant examples of the type of growth existing in the marsh and guides were available to discuss the functions of these types of growth and their contributions to the life of the marsh.

November

A Coastal Zone Workshop was co-sponsored by Harford, Baltimore, and Cecil County Leagues of Women Voters. The Harford Community College served both as a co-sponsor and host for the affair.

By November a slide presentation had been completed and presented to the State Delegation at a wine and cheese party given by the League.

December

Under the sponsorship of State Delegate Riley, the slide presentation was made to Secretary Coulter of the Department of Natural Resources. The first hearing, on the review of the conditional use permit, was held by the hearing examiner.

The legal effort, that has resulted from the League's correspondence with the Harford County Council in August, has become one of the largest commitments this League has ever made in regard to both time and monies. Over sixty letters went to conservation groups requesting donations to the legal defense of the marsh. We also spoke to community associations in the area surrounding the marsh and received several donations, as well as their agreement to join us in the legal proceedings. A request for help went to the League of Women Voters through its local newsletter. (See Appendix E for financial statement.)

January

The hearings continued. The State Planning Department intervened in the case on behalf of the League of Women Voters. This was done on the recommendation of the Department of Natural Resources and after study of the issue by State Planning. This action was made possible by the guidelines for intervention that were established under 1974 Maryland Land Use directives. This intervention case set a precedent for other cases of its type.

The Court, in response to a writ of mandamus, decided that the County Executive should make a determination of whether or not the plats were in conformance with the conditional uses specified, and either sign, or not sign, the document based on that judgment.

February

Hearings continued. The Harford County Executive signed the plats.

March

The League of Women Voters and the State Planning Department filed joint appeal in Circuit Court contesting the County Executive's decision to sign the plats as conforming to conditional requirements.

April

Hearings continue. Court case put on docket. The Nature Conservancy has notified the County that they are willing to purchase the marsh, subject to an agreement that Harford County Parks and Recreation will purchase the area from them with open space funds within three years. Parks and Recreation Department has expressed willingness in these negotiations.

IV. THE LAW AND THE MARSH

The value of this study to the Department of Natural Resources is obviously not in the detailing of existing conditions nor in the actions taken to preserve this one small area of Maryland's coast. There is, however, significant value for DNR if we attempt to review and evaluate existing laws, ordinances, and policies and their impact on our study.

A. Wetlands Act

In 1970, when it was passed, the Maryland Wetlands Act was considered quite progressive in the field of conservation. It has, in fact, been successful in halting the most blatant destruction of our water and wetland resources. In the Otter Creek Marsh study the defects of the Wetlands Act as a vehicle for preservation have been quite simple and obvious - it affords no protection for immediately adjacent uplands which in turn means that the wetlands are quite susceptible to destruction or erosion. The law provides definite protection for "State" wetlands (all land under the navigable waters of the State below the mean high tide, which is affected by the regular rise and fall of the tide). "Private" wetlands, however, can be altered with a permit from DNR (Private wetlands are all lands not considered state wetlands bordering on or lying beneath tidal waters, which are subject to regular or periodic tidal action and which support aquatic growth). The Otter Creek Marsh is a private wetland.

The result of urbanization on a marsh of the nature of Otter Creek Marsh can cause convulsions in a most dramatic way. The basic complications of urbanization on a marsh of this character are twofold: too much water too fast; and too much suspension of solids moving with the water. Attempts have been made by various governmental agencies to prevent the above from occurring in areas that have been defined as strategic or delicate locations, and areas of intense urbanization. The life of a fresh water marsh depends upon an ecosystem that will not change drastically or so erratically as to destroy the plant and animal life cycles.

It is possible to have some control over urbanizing areas. Some localities have been more successful than others in keeping abreast or ahead of these urbanizing patterns.

B. Sedimentation Control

Harford County has a sedimentation control ordinance. The enforcement of this legislation is not clearly defined and the emphasis has been to inspect after a complaint has been registered rather than at the blueprint stage. While the county at one time actively encouraged its sedimentation enforcement people to walk the land prior to construction, this is no longer done. There appears to be emphasis on inspecting for compliance when a development project is completed, rather than during construction when the dangers are greatest.

Winters Run, a stream that passes through the more highly urbanized areas of Harford County, has its mouth on the Otter Creek Marsh. Upstream development has a direct effect on the lower part of the stream - excavation and grading without adequate and proper sedimentation procedures produce excess suspensions, which the stream is incapable of filtering. The underwater grasses which do still exist in Otter Creek Marsh are threatened by the increasing sediment load. Underwater grasses have a very precise function, which is to filter out the soil in the water. The process can be compared to a treatment plant: peak flows lower the efficiency of the plant. If this flow is increased incrementally, and becomes chronic, these natural filtering systems cannot work.

C. Storm Water Management

Harford County has no storm water management ordinance. A revised sedimentation control ordinance did include storm water management, but no comprehensive plan was considered and no criteria for enforcement were established. Unless the County Council amended this legislation drastically, it would be of no use in protecting the Otter Creek Marsh or any other body of water in the County. For that matter, it would be of no use in protecting existing and new inhabitants in the county. The County Council defeated this proposed ordinance and is now working on more comprehensive legislation.

D. Flood Plain Legislation

Harford County has no flood plain ordinance. A flood plain ordinance has been drafted in Harford County for over two years. It has been through its annual revival and revision, and has been submitted to the County Council as of March 1976. If passed, it will be Harford County's first attempt at approaching the water, the streambeds, and their watersheds comprehensively.

The lack of this legislation has had significant impact on the conditional use that was granted in the rezoning of the Marsh areas, and has been challenged in the courts at this time. At the time of the rezoning request there was testimony to the effect that this property was routinely flooded in moderate and heavy rains. With no guidelines nor restrictions on development in flood plains, the Board of Appeals at that time entered a condition that all development would have to be nine feet above the mean high tide elevation. Where the land did not meet this requirement - and most of it did not - it was to be filled to this height. In this action the Board of Appeals took into consideration the tidal flood plain but they did not consider the flood plain of Winters Run, which borders one side of the property. In no way was the complexity of the two flood plains' convergence considered.

Appendix A

May 28, 1975

TO: COASTAL ZONE MANAGEMENT PROGRAM - Maryland

REF: STUDY GRANT PROPOSAL

PROJECT DESCRIPTION: OTTER CREEK - CRITICAL AREA - LOST ?

STAFF OF PROJECT:

1. Barbara Risacher, director for the project. Chairperson, Planning and Zoning Committee, League of Women Voters, Harford County .
2. Stewart G. Bryant, planning and zoning researcher, professional planner with B.A. in Planning and Public Administration, Univ. of Calif, Berkeley 1950, and MCRP, Harvard Univ., 1953. All local planning experience includes working with Corps of Engineers, Parks and Recreation, Coastal Comm. in Calif., soils studies, development projects, conservation of natural resources, community relations to promote citizen participation.
3. Ruth Danielson, scientific documentation. BS Chemistry, MA Education. Experience includes 3 years as chemist at Edgewood Arsenal, 1 year at Naval Ordnance Laboratory, Silverspring, 1 year as chemistry instructor.
4. Connie Beims, political history and general editor, political science major, Goucher College, class of '76.

(all four actively concerned with County planning and development projects and programs)

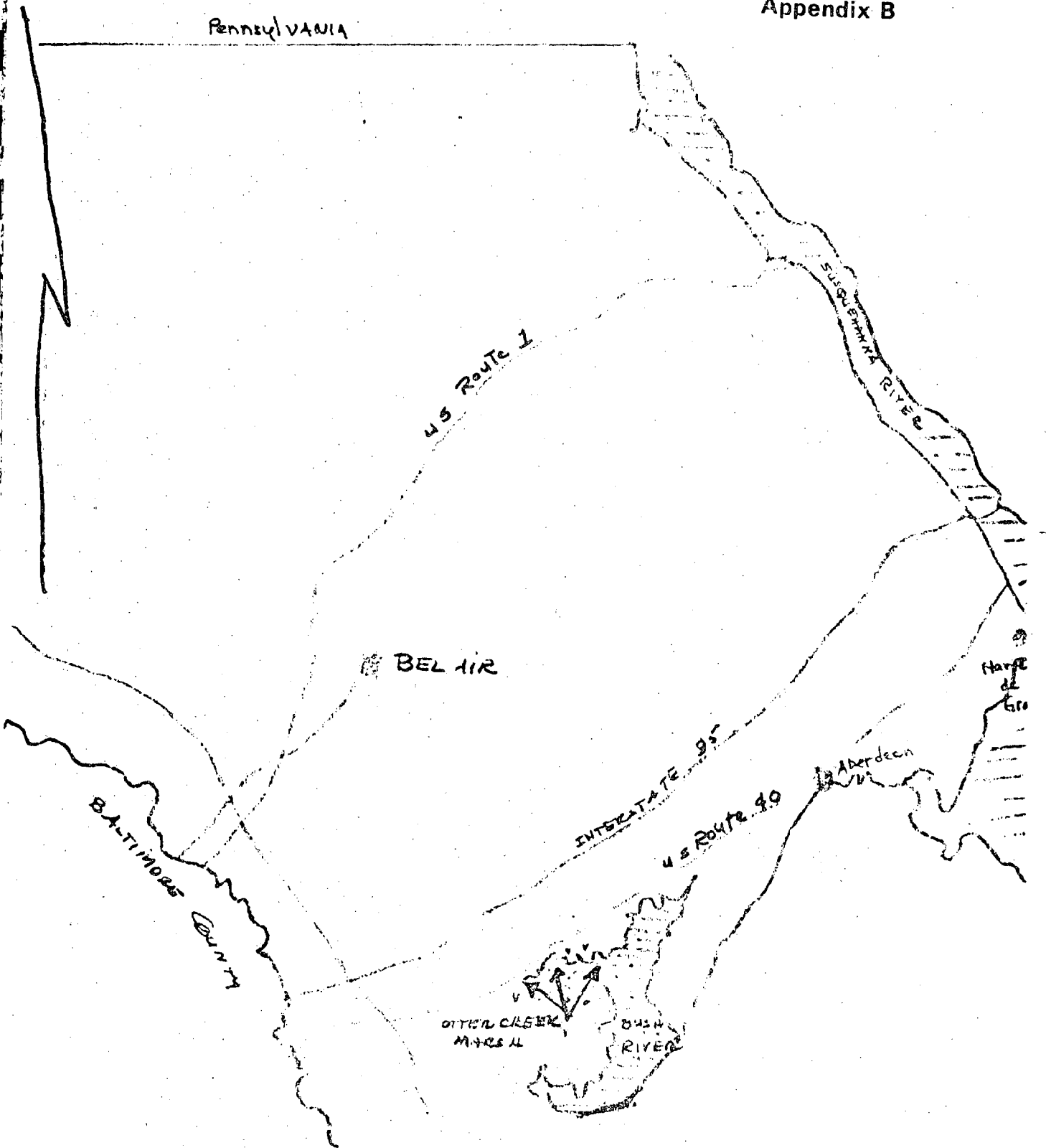
TEXT:

1. define Otter Creek marsh as a critical area, use references of written data eg. Smithsonian study, Goucher study, etc. Personal interviews and correspondence, eg. Dept. of Natural Resources, Chesapeake Bay Foundation, etc.
2. present status of Otter Creek
history of rezonings affecting the area
history of planning in the County and present status
influence of politics on the area
3. threats to the marsh and possible protection from present laws
run-off vs sediment control; resource data and personal interviews to be used, eg. county planning department and sediment control enforcement officer.
sewer infiltration and overflows vs. Article 43-387C and construction standards.
dredging and filling vs. Wetlands Act
4. the fate of Otter Creek
personal interviews with officials, scientists and residents of the area (possibly to include pictures)
Survey offer of the area by Mary Lang's canoe trips, organized by the Land Use Committee, Ann Schwanke, Chairperson.
5. Recommendations on protective legislation - at local and state level.

PROJECT WORK TIME: July, August and September, 1975

Number of copies and costs to be worked out.

Appendix B



Map of Harford County, MD

E. Zoning

Zoning as a tool for controlling, ordering, or engineering growth, and for protecting the health, safety, and welfare of the citizenry, is beginning to come under severe attack. Land use policies, implemented through zoning, that continue to address the quantitative aspects of land use, will consistently leave the environment a prey to imbalance, especially in urbanizing areas.

Zoning lacks those criteria that permit an evaluation of the use of the land other than evaluation on the basis of

bulk, height, and numbers. Tools are needed to evaluate the quality of the use as well as the quantitative statements that are the sum and substance of the zoning process. Basically, zoning is a tool to define property values, and is not a tool for orderly and healthy growth.

If, in the Otter Creek study, this marsh is saved, its continuance as a marsh will not have been predicated on its value and/or its functions, but on one's proficiency in surviving the zoning game. As a result, the Committee cannot point to a change in the law that will protect other fresh water tidal marshes.

V. CONCLUSION

The most succinct way to demonstrate the limited success of the Otter Creek story and the League of Women Voters' participation therein is to review the tremendous publicity that has been given this marsh and the problems threatening its survival. There have been numerous press articles, many of them front page status, in the local county papers; two editorials concerning the marsh have been written also. Citizen support for preservation of this valuable ecological resource has influenced the Department of Parks and Recreation to consider purchase of the area as a Natural Educational

Area to be left in a passive state in order to permit the ecosystem to survive and at the same time to encourage humans to enjoy it.

The legal proceedings which are still in process have served to demonstrate the need of Coastal Zone Management Planning to coordinate existing laws as tools to preserve our coastal areas. The need for further legislation to protect critical uplands to insure a viable environment for wetlands has been demonstrated.

VI. RECOMMENDATIONS OF THE COMMITTEE

1. Simplification of the confusing maze of laws through which a citizen or local government must proceed in order to protect our waters and coast. This would also decrease the cost to taxpayers by avoiding duplication of bureaucracy.

2. Continued commitment of the State agencies to protect critical areas. This has been a significant precedent. Department of Natural Resources and Department of State Planning intervention in a case of this nature is essential in the preservation of critical coastal areas.

3. Coastal Zone Management and the River Basin approach to implementing the Clean Water Act could demand adequate sedimentation control and storm water management legislation, with State intervention powers if the local jurisdictions were negligent.

4. Promise of legal assistance automatically locked into this type of study, since effectiveness is sometimes not possible without access to the courts. The League of Women Voters had no intention of developing a court case from this study. Once committed, however, there was no recourse, or the study would have lost its legitimacy.

5. Development of legal protection to environmentally critical areas to include buffer areas necessary to maintain the integrity of those ecosystems.

6. Continue efforts to educate the public as to the vast importance of preservation of coastal areas and a sound environmental ecology. Creative Announcements on television are certainly effective.



JAMES B. COULTER
SECRETARY

LOUIS N. PHIPPS, JR.
DEPUTY SECRETARY

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
ENERGY & COASTAL ZONE ADMINISTRATION
TAWES STATE OFFICE BUILDING
ANNAPOLIS 21401

January 26, 1976

MEMORANDUM

TO : Secretary James B. Coulter
FROM: L. E. Zeni *LEZ*
SUBJ: Otter Point Creek

During a meeting in your office with Delegate Riley (Harford County) and other citizens from Harford County in a discussion concerned with the impact of proposed developments in the vicinity of Otter Point Creek, you asked that I prepare a report.

Attached please find a report that looks at the development around Otter Point Creek from two points of view, (1) the integrity and vitality of the Otter Point Creek marsh and (2) implications on the suitability of Perryman as a nuclear power plant site.

LEZ:pc
Attachment

cc: Delegate Catherine Riley
Secretary Vladimir Wahbe

Report on Otter Point Creek

Introduction

Otter Point Creek Marsh is the largest privately owned freshwater marsh in Harford County and one of the few large freshwater tidal marshes that remain in a natural little disturbed state in the Chesapeake Bay region. Its value was recognized in the Smithsonian Institution's report National Areas of the Chesapeake Bay Region which recommended that not only the 400 acres of tidal marsh be protected but also an additional 375 acre buffer area around the marsh area.

However, there are two major developments proposed for areas bordering on the marsh each of which will be considered in governmental actions on the 27th of January. Harbor Oaks development is a 84 acre, 404 unit single family duplex residential development (6 density units/acre) proposed for the area just south-east of the marsh which presently consists of agricultural and forestal land. A sewer interceptor for this development will be the subject of a wetlands hearing during the day of January 27th.

A second development, Westshore, is a 180 acre, 652 unit townhouse development proposed for the area along the northern shore of the marsh area. This development has stirred much public controversy and will be the subject of a public hearing to be held by the Hearing Examiner for Harford County on the night of January 27th. Three aspects of this project cause concern: (1) the appropriateness of such a large development for the proposed site; (2) the potential impact of the storm drainage, sediment-loading, and non-point pollution associated with the development if it is constructed as proposed, and the long-range plan for a road to be constructed across the marsh to provide emergency and school bus service to the proposed development. The latter would likely have a major deleterious effect

on the marsh's integrity while construction of the development itself may have serious long-term adverse effects on the marsh. The Department of State Planning is reviewing the nature of the issues to be discussed at the public hearing on the 27th of January to determine whether it would be appropriate for them to intervene in the hearing.

Description of Marsh Area

The vegetation in the Otter Point Creek Marsh area is quite diverse consisting of rooted aquatics - water milfoil and wild celery in the shallow water in front of the marsh proper, broad-leaved vegetation - arum-arum, spadderdock, and pickerelweed among others - in the regularly flooded portions of the marsh, with cattail the dominant vegetation in the upper reaches of the marsh with large stands of sweet flag also present there. Among the other species found in the marsh are wild rice, river bullrush, (scirpus spp), jewelweed, smartweed, and a species uncommon in tidal areas, golden-club (Orontium aquaticum).

The major portion of the marsh is horse-shoe shaped with a cove marsh extending up towards route 40 in the northeast portion of the marsh east of the proposed Westshore development and an outlier on an unnamed branch off the north-west edge of the main portion of the marsh. Most of the floodplain above the main portion of the marsh is either sewage lagoon or low-land forest much of which is seasonally flooded.

The marsh is of high natural value for several reasons. Many of the species present are of high value for wildlife habitat and food purposes - the cattails, wildrice, arum-arum, spatterdock, wild celery, among others. There is a high interspersion of vegetation types and a high water edge to marsh acreage ratios, both of which tend to diversify the habitat and food available for wildlife purposes. Twenty-five species of marsh

plants were identified in a short field visit to the area by State wetlands personnel; several more valuable marsh species are also likely to be present there.

Since the marsh is well-flooded and contains many species of high productivity, the marsh is also important as a detrital source to Otter Point Creek and the Bush River. Detritus is of course important to the estuarine food web which support commercial and sport fisheries. In a recent report by Jay O'Dell of the Maryland Fisheries Administration, the Otter Point Creek and the Bush River have been documented as spawning and/or nursery areas for a number of anadromous and semi-anadromous fish species. The area is also known as an important feeding and nesting area for waterfowl, blacks and mallards in particular. Other species likely to be present include mammals such as muskrats, raccoons, and possibly mink and otters; birds such as sora, and Virginia rails, green herons, great blue herons, least and American bitterns, spotted sandpipers and yellowlegs, redwing blackbirds, long-billed marsh wrens and other songbirds; assorted reptiles and amphibians such as common water snake, painted turtles, snapping turtles, green frogs and leopard frogs; and various groups of invertebrates. (The latter are valuable as good wildlife food).

This type marsh is also valuable as a nutrient buffer, thus helping to protect the water quality of the Otter Point Creek and the Bush River. The marsh is definitely also trapping a large part of the sediment delivered from upstream areas. However, if development around the marsh and upstream from the marsh occurs without sufficient mitigation measures, the assimilative capacity of the marsh will be overwhelmed.

The sewage lagoons located above the marsh are also good wildlife habitat (They are apparently not actively used for their original purpose). They are heavily used by muskrats and probably serve as good waterfowl resting and feeding areas during most of the year. Many excellent waterfowl foods are located around the lagoons. The lagoons also probably support a number of bird, mammal, amphibian, reptile, and invertebrate species.

Surrounding Land Use

U.S. Route 40 skirts the northern edge of Otter Point Creek and marsh. Along it are only a few long-time existing small commercial uses (garage, service station, trailer parks, restaurants) and some single family residences. The northern edge of the proposed Westshore project noted above abuts U.S. Route 40. Considerable recent fill material has been placed on the proposed site, but only limited public sewer capacity exists along the South side of U.S. Route 40. The site for the proposed development has been designated as a priority area for sewer service and thus septic tanks cannot be used on the site. East of the proposed Westshore project between U.S. Route 40 there is some low density development in a wooded area - some single family residences, summer homes, cabins, and a trailer park.

Highway State Route 24 runs North and south about one-half mile from the westerly end of the marsh along which is located commercial development, high density apartments and single-family development in a community called Edgewood Heights.

Willowby Beach Road runs north-easterly about 1/3 mile south of the marsh and creek. It is on the north side of this road that the proposed Harbor Oaks development noted above is to be located. Two other developments are presently under construction along this road. Harford Landing east of the proposed Harbor Oaks development between Otter Point Creek and Willowby Beach Road will consist of 2,252 housing units (987 single family duplex units at 6 units/acre 1,000 multifamily units comprised of townhouses and

garden apartment condominiums, and 265 rental units either garden apartments or townhouses) on a 404 acre site. Willowby Woods is a single family duplex development located south of the proposed Harbor Oaks Development across Willowby Beach Road. It is a 82 acre, 400 unit development of which approximately 100 units have been built. At the end of this road near the influence of Otter Point Creek and the Bush River is located the County Public Flying Point Parks, a marina, and some long-established single family residences. Figure 1 illustrates the land use described above in Otter Point Creek.

Conclusion and Recommendation

Although the Harbor Oaks development is of higher density than is optimal for a development next to a marsh area, it does not appear to be a major threat to Otter Point Creek. It is located on the lower southern edge of the marsh across Otter Point Creek from the main portion of the marsh. These are certain measures that should be taken to minimize its potential effects. There is a natural 100 foot buffer strip along the part of the proposed development on agricultural land which should be preserved. On the portion of the proposed development on presently forested land a buffer strip of at least 200 feet should be maintained. The wetlands permit for the sewer interceptor line should be conditioned on assurances that the capacity of the Sod Run Treatment Plant to which it is to be connected is adequate to handle the additional load.

A buffer of at least 200 feet in width should be established along the remainder of the southern edge of the marsh.

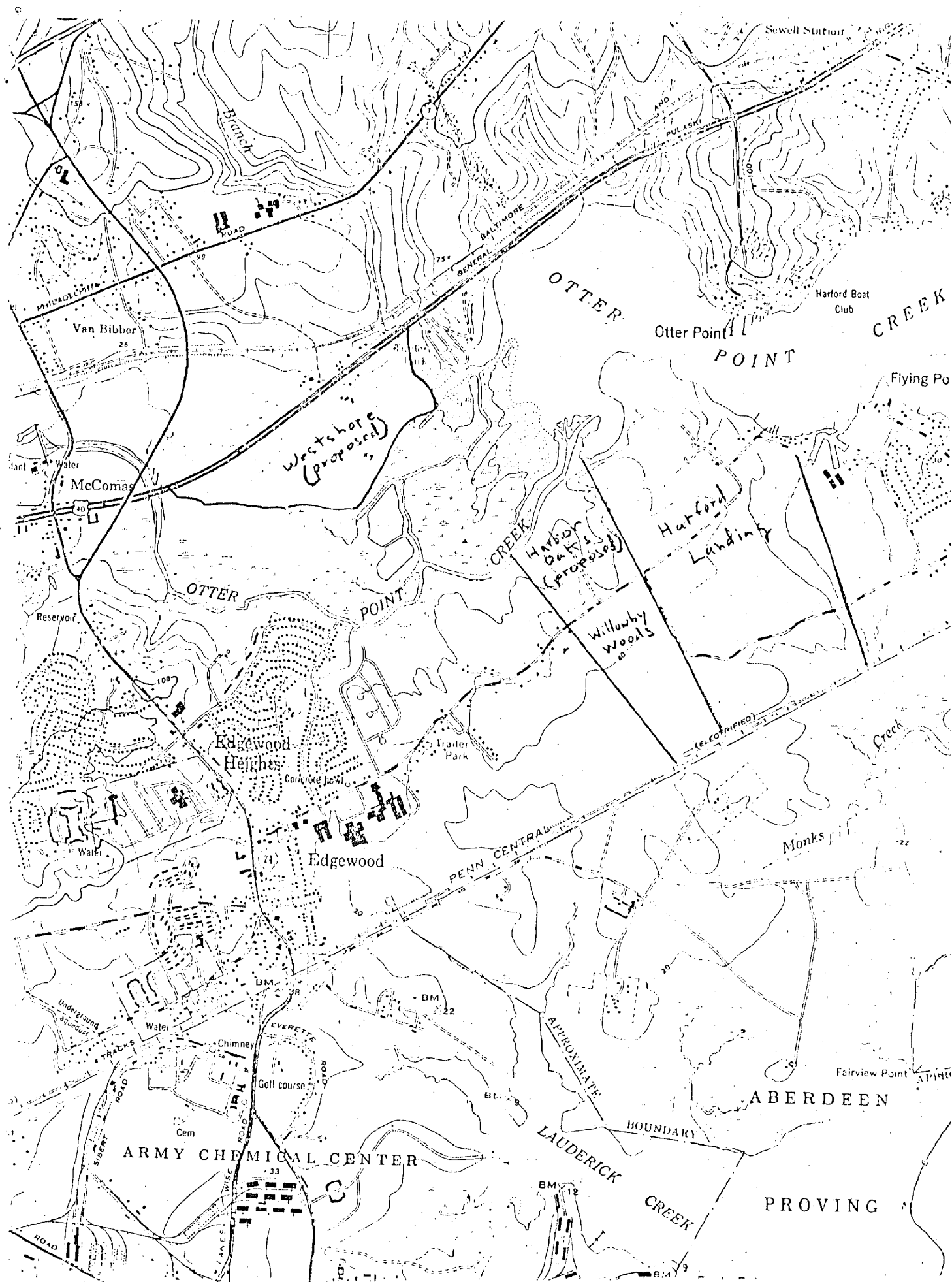
For long-range protection of the marsh the flood-plain north of the marsh extending across U.S. Route 40 up to the tidal limit should be kept in an undeveloped state, possibly through acquisition.

North of the marsh the proposed Westshore development is a major threat to the marsh. The Department of Natural Resources should assist the Department of State Planning in any intervention proceedings they may undertake. If the development does proceed, close attention should be paid to the placement of storm drain, storm runoff control measures, and sedimentation and soil erosion measures to insure that the marsh is not overloaded with too much direct storm water drainage and runoff into it. This development is located between three and four miles of the proposed Perryman power plant in comparison to the two to three mile distance that the other developments discussed above - Harford Landing, Willowby Woods, and Harbor Oaks comprising a total of 3,000 units - are located. The implications of this proposed development on meeting the Nuclear Regulatory Commission population requirements are discussed in the attached memorandum from Steve Long to Lee Zeni.

Futher along the northern edge of the marsh a buffer strip similar to that proposed for the southern edge should be established.

Any proposals to build a road across the marsh should be critically examined because of the serious adverse impact such a road would likely have on the marsh's integrity.

The recommendations in this section are based on conversations with Department of Natural Resources personnel on appropriate measures to protect the integrity of Otter Point Creek Marsh.



LEAGUE OF WOMEN VOTERS
OF HARFORD COUNTY
MARYLAND

Appendix D

August 8, 1975

Hon. Habern Freeman, President,
County Council, and Council Members
45 So. Main Street
Bel Air, Maryland 21014

Gentlemen:

Your Council has recently benefited from a slide presentation on the States' Coastal Zone Management Program, whereby they are undertaking a two year planning study, encouraging as much local agency and citizen participation as possible.

You may have read in the local papers that a small study grant was given to our Planning and Zoning Committee about two months ago by the Coastal Zone Management agency amounting to \$300.00 (for which \$150 is for publications costs) for the Otter Creek area of Bush River in Harford County. We are now submitting a copy of our accepted proposal to you and the Council members for your information, understanding and support, along with several press articles that further explain our concerns and efforts.

As part of our review of the current status of the existing and proposed developments that impact on the Creek marshes, we have identified at least these three major proposed projects that are still in the planning paper work stages:

Harford Landing	420 ac.	2,264 units
Harbour Oaks	83 ac.	450 duplex homes
Westshore	180 ac.	792 units, plus 70 ac. Shopping Center

All three projects have had some preliminary map reviews by various County agencies, and have an "immediate priority" ranking in the 1974 Water and Sewer Master Plan and the proposed 1975 Plan that is still under review for modifications by the Department of Public Works. All three stand high on the priority list of the Flow Committee.

In reviewing the files on Westshore located on U.S #40, it appears that the Department of Planning and Zoning may have acted somewhat prematurely with incomplete agency review and information, and not in accordance with the Zoning Board of Appeals' findings and conditions reference this case.

Rather than go into detail here, we respectfully request that the County Council refer Westshore in it's entirety to the Hearing Examiner for a more complete up-to-date evaluation at a public hearing for both the Integrated Shopping Center and the Multi-Family residential sections as provided for under Sections 17.3 and 17.4 in the Harford County Zoning Ordinance.

Our concern is based on several factors:

1. The Smithsonian Study and Environmental Defense letters define this area as a "critical area" well worthy of protection, which County and State Planning Departments have done nothing about.
2. There has been no Environmental Impact review of this project or a proposed connecting bridge across the marshes in relation to the State Wetlands Act.
3. The County Administrations' agencies' efforts and pressures to attempt to over-ride the Health Department's legitimate responsibilities.
4. A Zoning Certificate was issued prematurely by the Zoning Section of the Department of Planning and Zoning - prior to recording the Final Map.
5. There have been sufficient modifications and changes from the original Zoning Board approval to require further review, with insufficient D.A.C. and opportunity for public review.
6. Many adjustments were made to the 1974 Comprehensive Land Use Plan by the Zoning Inspector to insure favored coverage, including this project.
7. The Developer's Writ of Mandamus action filed in Court against the County Health Department to force approval of his Final Map, which was filed a week after the publicity on our Study.
8. Harford County Law Department's letter to Dr. Canfield regarding the Writ of Mandamus does not reflect support for the County's concern over the present sewer situation, nor is it in conformance with Md. Senate Bill #475 which directs the Health Department to deny building permits and final Subdivision approval unless adequate water and sewer and solid waste facilities are available.

We sincerely hope that this kind of situation can be straightened out by referring this case in particular back to the Hearing Examiner which can also serve as setting a good example for following proper planning standards, practices and procedures routinely.

Very truly yours,

Encl: Project Description
Press articles

Ruth Danielson

Stewart G. Bryant
Stewart G. Bryant

Barbara Risacher
Mrs. Barbara Risacher, Chpsn.

Connie Beims
Connie Beims

Mary R. Lang
Mary Lang



HARFORD COUNTY COUNCIL

HABERN W. FREEMAN
PRESIDENT

ANGELA MARKOWSKI
SECRETARY OF THE COUNCIL

ROLAND SHUMATE
DISTRICT A

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DISTRICT D

WILLIAM COOPER, JR.
DISTRICT E

FRED B. BALDWIN, SR.
DISTRICT F

September 4, 1975

MEMORANDUM

To: Mercedes C. Samborsky, Esq.
Chief Hearing Examiner of Board of Appeals of Harford County

From: Harford County Council ~~Sitting as a Board of Appeals~~

Re: Board of Appeals of Harford County Case No. 1849

After a review of the Planning Department files, Board of Appeals files, and final plats submitted for approval by the applicants in the above captioned case, we feel that serious and substantial questions are raised concerning the legality of issuance of a zoning certificate at the present time due to the non-compliance of the owner with the conditions imposed by the decision of the Board of Appeals on June 11, 1973.

You are therefore directed to reopen Board of Appeals Case Number 1849 and are further directed to:

- (1) Review the case file and all related files of Harford County, Maryland.
- (2) Receive evidence concerning the compliance or non-compliance of the applicant with the decision of the Board dated June 11, 1973, and submit your findings to the Board.
- (3) Recommend to the Board further proceedings legally applicable to the applicant and property under the procedures applicable at the time of such proceedings.
- (4) Perform such other duties and functions that may be necessary to fulfill the above requirements.

Very truly yours,

COUNTY COUNCIL OF HARFORD COUNTY

Habern W. Freeman
President

APPENDIX E

The financial status of the Otter Creek Legal Defense Fund follows. These figures do not include the \$300.00 Coastal Zone Management agreement which is not available for use in any legal proceedings.

INCOME

	Donation*
League of Women Voters of Harford County	\$ 300.00
Contributions	1230.00
TOTAL CONTRIBUTIONS	\$1530.00

EXPENSES

Engineering consultant	\$ 15.00
Deposition of Testimony from Planning Consultant	210.00
Costs of Appeal	40.00
Costs of Filing Anderson suits	52.50
Lawyers Fees	1,159.00
Bank service charges66
TOTAL	\$1,477.16

* As of March 31, 1976

NOTE: These figures do not include the legal fees that will be incurred at the next three hearings scheduled for April 1, April 5, and April 7. Nor does it reflect the costs of carrying our appeal to the court.

COASTAL ZONE
INFORMATION CENTER

